

REMARKS

This responds to the Office Action dated April 8, 2004.

A restriction was required, requiring the election of one of four inventions as set forth by the Examiner. Group 2, containing claims 26-35 was elected.

The other claims of the application, claims 1-25 and 36-54 are being cancelled herewith. Additional claims 55-74 are being added.

A feature of the invention is the anoscope that can be used in combination with a ligator device and the loading device as described in the application. The anoscope is disclosed in detail beginning at the last paragraph of page 9 of the specification and continuing on to page 12. A feature of the anoscope is the openings that extend from the distal end back toward the proximal end of the conical shaped scope. The openings extend approximately halfway along the length of the anoscope. That leaves the solid portion of the scope in the vicinity of the external hemorrhoids, with the openings placed adjacent the classical positions of the internal hemorrhoids. This blocks the external hemorrhoids from protruding in the way of the surgeon as the internal hemorrhoids are ligated. The anoscope can be used with other types of ligators and/or rubber band loading devices.

Claim Objections

Claim 32 was objected to as having numerals that were not enclosed within parentheses. This has been corrected by elimination of the numerals.

Specification

The specification was objected to because Fig. 5 is not discussed in the specification. Fig. 5 has been renumbered as Fig. 6. Fig. 6 is described in the specification.

Drawings

The drawings were objected to because they must show every feature of the invention specified in the claims. The springs of the ratchet device must be shown or this feature cancelled

from the claims. Applicant is submitting a proposed modification to Fig. 7 of the drawings that shows the springs.

Claim Rejections – 35 U.S.C. § 112

Claim 34 was rejected under § 112, first paragraph, because it contained subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention. Applicant proposes to modify Fig. 7 of the drawings to conform it to the description in the specification and in claim 34.

Claim Rejections – 35 U.S.C. § 103

Claims 26-32 and 35 were rejected under § 103(a) as being unpatentable over Watson, et al. 5,788,715 in view of Bidoia 5,203,863, and further in view of Longo, et al. 6,142,933.

The Watson, et al., Bidoia, and Longo, et al. patents do not disclose the features of the invention, including an anoscope that is used in combination with the rubber band ligator and the loading device, whereby the anoscope has a hollow cylinder with multiple apertures formed about the hollow cylinder at positions about the cylinder for simultaneously exposing hemorrhoids in the anal canal, as generally described in claim 26. More particularly, none of the references disclose the concept of the openings being three openings at the normal anatomic locations of the hemorrhoids in a patient, as generally described in claim 27. Further, the applied prior art does not show the concept of permitting simultaneous access to the normal locations of internal hemorrhoids. Further, the prior art does not teach the concept of having the openings in the anoscope extend about half way from the distal end so that the solid proximal end of the anoscope is used to block the protrusion of the external hemorrhoids from interfering with the movements of the surgeon during the ligation procedures on the internal hemorrhoids, as generally described in claim 27.

Internal hemorrhoids are classically oriented in predetermined locations, much like the nose and ears of the human head. The placement of the openings of the anoscope in positions that correspond to the normal hemorrhoid locations is a substantial advantage over the prior art, in that it provides the surgeon with access to the internal hemorrhoids with only one insertion of

the anoscope, avoiding the retraction and reinsertion of the anoscope to expose the hemorrhoids in sequence.

Claims 28-35 set forth the several advantages of the ligator device.

The new claims, claims 55-75 emphasize some of the improved features of the anoscope. The applied references do not disclose the anoscope having the three lateral apertures extending along the cylinder from the distal end toward the proximal end, with the apertures being spaced apart about the cylinder to be positionable at the 3 o'clock, 7 o'clock and 11 o'clock positions about the cylinder when the cylinder is inserted in the anal canal with the patient in the supine position.

Another feature that is not disclosed in the prior art is the combined width of the three lateral apertures being approximately equal to one half of the circumference of the cylinder and the cylinder being tapered at its distal end, with the openings extending approximately halfway along the length of the cylinder, so as to expose the internal hemorrhoids while avoiding obstruction by the external hemorrhoids.

Further, the prior art does not appear to disclose the handle extended from the external flange that extends radially from the proximal end of the cylinder, the flange, the handle incorporating a housing for attachment of an external light source and a fiber optic cable, with the handle being oriented on the flange to be in the 12 o'clock position when the openings in the cylinder are oriented properly in the anal canal at the 3 o'clock, 7 o'clock and 11 o'clock positions, and the openings in the cylinder each extending about the cylinder approximately 1/6 of the cylindrical circumference.

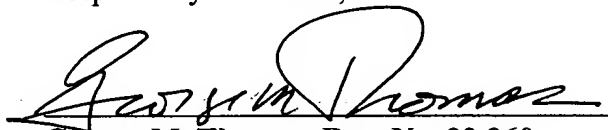
Another feature not disclosed by the prior art is a handle of an anoscope oriented with respect to the openings of the anoscope so that when the anoscope is inserted in the anal canal the surgeon know where the openings are located by the position of the handle and the hemorrhoids are received in the openings.

Claims 55-77 are directed to the combination of the anoscope and the ligator and its loading cone, the anoscope having the various features of the arrangement of the apertures so that they receive the hemorrhoids, and some claims including a handle extending radially away from the proximal end of the cylinder at a predetermined angle with respect to the apertures of the cylinder such that when the cylinder is inserted in the anal canal of the patient and the handle is

oriented at a predetermined attitude with respect to the patient and the apertures of the cylinder register with the internal hemorrhoids of the patient. For example, see claim 76. Again, the applied references do not anticipate or make obvious these features.

The references of record in the application have been reviewed, and applicant submits that the subject matter of the claims is not disclosed in or made obvious by these references, taken individually or in combination. Accordingly, applicant submits that the claims of the application should now be in condition for allowance, and appropriate action is requested.

Respectfully submitted,



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